

### Remarks

Claims 1-3 and 5-17, and 19-23 remain in the application. Claim 18 is hereby canceled without prejudice. Claims 1, 12, 16, 17, 19, 20 and 22 are hereby amended. No new matter is being added.

#### 35 U.S.C. 103 (Fung in view of Loucks et al)

Claims 1-3 and 5-15, 17-19, 22 and 23 were rejected under 35 U.S.C. 103 as being anticipated by Fung (US Patent Application Publication No. 2002/0004912) in view of Loucks et al (US Patent No. 5,650,936). This rejection is traversed with respect to the claims as they now stand.

Claim 1, as amended, now recites as follows:

1. A system for power management of a rack of computers, the system comprising: server side infrastructure (SSI) circuitry at each computer in the rack, the SSI circuitry including local monitoring circuitry coupled to a central processing unit (CPU) of the computer; and a centralized power management module (CPMM) with an out-of-band (OOB) management link to the SSI circuitry at each computer in the rack, wherein the CPMM is configured to monitor power being consumed by the CPUs by sending a polling message to the SSI circuitry at each computer in the rack, wherein the local monitoring circuitry within the SSI circuitry at each computer in the rack is configured to monitor power consumption and temperature at the CPU and to respond to the polling message from the CPMM by transmitting a power consumption value and a temperature value to the CPMM, and wherein **the CPMM is further configured to apply a set of rules to the consumption and temperature values from the local monitoring circuitry to determine when and at which computers to enable and disable a CPU power throttling mode and when and at which CPUs to apply thermoelectric cooling.**

(Emphasis added.)

As shown above, claim 1 now recites that “the CPMM is further configured to apply a set of rules ... to determine ... when and at which CPUs to apply **thermoelectric** cooling.” (Emphasis added.) This limitation is supported in the original specification, for example, on page 7, lines 24-31.

Applicants respectfully submit that the combination of elements in amended claim 1 is now patentably distinguished over the cited references of Fung in view of Loucks et al. In particular, neither Fung nor Loucks et al teach or suggest the limitation that “the CPMM is further configured to apply a set of rules ... to determine ... when and at which CPUs to apply **thermoelectric** cooling.” (Emphasis added.) Similarly, the Brock et al reference (cited in relation to claims 16, 20 and 21) also does not teach this limitation which specifies the application of **thermoelectric** cooling in a power management system.

Claims 2-3 and 5-11 depend from claim 1. Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claims 2-3 and 5-11 are now also patentably distinguished over the cited art.

Claim 12 is amended similarly to claim 1 in that it now recites a limitation which specifies the application of **thermoelectric** cooling. Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 12 is now also patentably distinguished over the cited art.

Claims 13-15 depend from claim 12. Hence, for at least the reasons discussed above in relation to claim 12, applicants respectfully submit that claims 13-15 are now also patentably distinguished over the cited art.

Claim 17 is amended similarly to claim 1 in that it now recites a limitation which specifies the application of **thermoelectric** cooling. Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 17 is now also patentably distinguished over the cited art.

Claim 19 depends from claim 17. Hence, for at least the reasons discussed above in relation to claim 17, applicants respectfully submit that claim 19 is now also patentably distinguished over the cited art.

Claim 22 is amended similarly to claim 1 in that it now recites a limitation which specifies the application of **thermoelectric** cooling. Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 22 is now also patentably distinguished over the cited art.

Claim 23 depends from claim 22. Hence, for at least the reasons discussed above in relation to claim 22, applicants respectfully submit that claim 23 is now also patentably distinguished over the cited art.

35 U.S.C. 103 (Fung in view of Brock et al)

Claims 16, 20 and 21 were rejected under 35 U.S.C. 103 as being anticipated by Fung in view of Brock et al (US Patent No. 6,836,849) This rejection is traversed with respect to the claims as they now stand.

Claim 16 is amended similarly to claim 1 in that it now recites a limitation which specifies the application of **thermoelectric** cooling. As discussed above in relation to claim 1, neither Fung, nor Brocks et al teach the specified application of **thermoelectric** cooling in a power management system. Hence, applicants respectfully submit that claim 16 is now also patentably distinguished over the cited art.

Claim 20 is amended similarly to claim 1 in that it now recites a limitation which specifies the application of **thermoelectric** cooling. As discussed above in relation to claim 1, neither Fung, nor Brocks et al teach the specified application of **thermoelectric** cooling in a power management system. Hence, applicants respectfully submit that claim 20 is now also patentably distinguished over the cited art.

Claim 21 depends from claim 20. Hence, for at least the reasons discussed above in relation to claim 20, applicants respectfully submit that claim 21 is now also patentably distinguished over the cited art.

### Conclusion

For the above-discussed reasons, applicant believes that the pending claims are now patentably distinguished over the prior art. Favorable action is respectfully requested.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025.

Respectfully Submitted,

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